

The Department of Labor and Industries
Semi-annual Rules Development Agenda (July 1, 2005 – December 31, 2005)

WAC, CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
DIVISION: WASHINGTON INDUSTRIAL SAFETY & HEALTH DIVISION (WISHA)						
Chapter 296-24 WAC, General Safety and Health Standards	Anhydrous Ammonia	Beverly Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	1/18/05	9/20/05	1/06	The anhydrous ammonia rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General Safety and Health Standards	Cranes	Cindy Ireland (360) 902-5008 Kimberly Johnson (360) 902-5008	7/20/04	10/05	12/05	The crane rules are being rewritten and organized for clarity and ease of use. These rules will also be updated to reflect current American National Standards Institute (ANSI) requirements. The project will include bridge style, mobile, tower/portal, personnel lifting, hoists, and derricks.
Chapter 296-24 WAC, General Safety and Health Standards	Elevated Platforms	Jim Hughes (360) 902-4504 Kimberly Johnson (360) 902-5008	To be determined	To be determined	To be determined	The powered platform rules are being rewritten and organized for clarity and ease of use, and split into two separate rules: elevated platforms and powered platforms.
Chapter 296-24 WAC, General Safety and Health Standards	Fire Brigades	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	5/31/05	9/20/05	12/20/05	The fire brigade rules are being rewritten and organized for clarity and ease of use, and split into two separate rules: fire brigades and fire protection.
Chapter 296-24 WAC, General Safety and Health Standards	Fire Protection	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	5/3/05	9/20/05	12/20/05	The fire protection rules are being rewritten and organized for clarity and ease of use
Chapter 296-24 WAC, General Safety and Health Standards	Ladders	Cindy Ireland (360) 902-5522 Kimberly Johnson (360) 902-5008	4/5/05	5/24/05	9/20/05	The ladder rules are being rewritten and organized for clarify and ease of use.
Chapter 296-24 WAC, General Safety and Health Standards	Motor Vehicle	Jamie Scibelli (360) 902-4568 Kimberly Johnson (360) 902-5008	5/18/04	4/6/05	8/2/05	The motor vehicle rules are being rewritten and organized for clarity and ease of use.

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Chapter 296-24 WAC, General Safety and Health Standards	Protecting Employees from Falls	Beverly Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	3/23/04	3/06	6/06	The walking/working surface rules are being rewritten and organized for clarity and ease of use.
Chapter 296-24 WAC, General Safety and Health Standards	Powered Platforms	Jim Hughes (360) 902-4504 Kimberly Johnson (360) 902-5008	To be determined	To be determined	To be determined	The powered platform rules are being rewritten and organized for clarity and ease of use, and split into two separate rules: powered platforms and elevated platforms.
Chapter 296-24 WAC, General Safety and Health Standards Chapter 296-155 WAC, Safety Standards for Construction	Rigging	Kimberly Johnson (360) 902-5008	2/17/04	1/06	5/06	The rigging rules are being rewritten and organized for clarity and ease of use. Requirements from both general industry and construction are being combined into one rule and updated to the current American National Standards Institute (ANSI).
Chapter 296-62 WAC, General Occupational Health Standards Chapter 296-65 WAC, Safety Standards for Asbestos Removal and Encapsulation	Asbestos	Kimberly Johnson (360) 902-5008	2/17/04	To be determined	To be determined	The asbestos rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General Occupational Health Standards	Hazardous Chemicals in Labs	Kimberly Johnson (360) 902-5008	5/24/05	8/23/05	12/20/05	The carcinogens and lab rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General Occupational Health Standards	Ethylene Oxide	Beverly Clark (360) 902-5516 Kimberly Johnson (360) 902-5008	1/18/05	5/3/05	8/23/05	The ethylene oxide rules are being rewritten and organized for clarity and ease of use.
Chapter 296-62 WAC, General Occupational Health Standards	Formaldehyde	Carol Stevenson (360) 902-4568 Kimberly Johnson (360) 902-4778	4/19/05	11/22/05	4/4/06	The formaldehyde rules are being rewritten and organized for clarity and ease of use.

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Chapter 296-62 WAC, General Occupational Health Standards	Lead	Jamie Scibelli (360) 902-4568 Kimberly Johnson (360) 902-5008	12/21/04	11/01/05	3/06	The lead rules are being rewritten and organized for clarity and ease of use.
Chapter 296-304 WAC, Safety Standards for Shipbuilding, Ship Repairing and Shipbreaking	Shipbuilding	Kimberly Johnson (360) 902-5008	NA	CR105 6/21/05	9/20/05	The shipbuilding rules are being updated in order to make the rules at least as effective as the Federal rule.
Chapter 296-350 WAC, WISHA Administrative Rules Chapter 296-800 WAC, Safety and Health Core Rules	Administrative Rules	Jim Hughes (360) 902-4504 Kimberly Johnson (360) 902-5008	5/3/05	To be determined	To be determined	The administrative rules are being updated in order to make the rules at least as effective as the Federal rule.
Chapter 296-800 WAC, Safety and Health Core Rules	Exit Routes	Kimberly Johnson (360) 902-5008	11/4/03	To be determined	To be determined	The exit route rules are being updated in order to make the rules at least as effective as the Federal rule.

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DIVISION: ADMINISTRATIVE SERVICES DIVISION						
WAC 296-06-090	Public Records Officer	Joseph Molenda 360-902-6462	N/A	CR105 7/20/05	8/24/05	This expedited rulemaking will a name public records officer, as a required by Chapter 483, Laws of 2005 (2HB 1758.)

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			CR-101	CR-102	CR-103	
DIVISION: SPECIALTY COMPLIANCE SERVICES DIVISION						
Chapter 296-46B WAC	Electrical	Sally Elliott (360) 902-6411	6/21/05	12/6/05	2/7/06	The department plans to review the electrical rule for additions or revisions. The department developed an advisory committee to review suggested changes from the electrical industry and will propose rules as a result.
Chapter 296-96 WAC	Elevators	Sally Elliott (360) 902-6411	11/23/04	To be determined	To be determined	As a result of the new licensing requirements for elevator contractor and elevator mechanics, the department is working with stakeholders to identify areas where the rule needs substantive, housekeeping, and clarifying changes.
Chapter 296-104 WAC	Board of Boiler Rules	Sally Elliott (360) 902-6411	2/15/05	8/2/05	11/1/05	The purpose of this rulemaking is to clarify the rule and to make technical changes. The project will also update the rule as a result of Section 3, Chapter 183, Laws of 1999 (HB 1312), which passed the 2005 Legislature.
Chapter 296-125 WAC	Nonagricultural Employment of Minors	Sally Elliott (360) 902-6411	9/19/01	To be determined	To be determined	The purpose of this rulemaking is to review these rules for possible changes to ensure conformity with federal laws pertaining to employment of minors where those laws are more restrictive.
Chapter 296-126 WAC	Standards of labor for the protection of the safety, health and welfare of employees for all occupations subject to chapter 49.12 RCW	Sally Elliott (360) 902-6411	9/30/03	6/21/05	8/23/05	The purpose of this rulemaking is to clarify when an employer can deduct an employee's wages for final paychecks, on-going employment, or over payments.

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Chapter 296-127 WAC	Prevailing Wage	Sally Elliott (360) 902-6411	7/19/00	To be determined	To be determined	The purpose of this rulemaking is to make substantive changes to the scope of work description rules that were adopted July 19, 2000 (WSR 00-15-077) with the assistance of an advisory committee.
Chapter 296-130 WAC	Family Care	Sally Elliott (360) 902-6411	6/21/05	8/23/05	10/26/05	As a result of Section 2, Chapter 243, Laws of 2002 (SSB 5850), which passed the 2005 Legislature; the department is updating the definition of sick leave to be consistent with the statute.
Chapter 296-150M WAC	Manufactured Homes	Sally Elliott (360) 902-6411	6/21/05	9/6/05	11/22/05	As a result of Chapter 79, Laws of 2004 (SHB 1393), which passed the 2005 Legislature; the department is working with stakeholders to develop language to be consistent with the statute.

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DIVISION: INSURANCE SERVICES DIVISION						
Chapter 296-14 WAC	Industrial Insurance-Mortality Assumptions	Valerie Grimm Policy & Quality Coordination (360) 902-5005	6/20/01	To be determined	To be determined	This rulemaking will provide updates to mortality assumptions used to determine pension reserves and actuarial benefit reductions.
Chapter 296-14 WAC	Industrial Insurance-Worker Employment Patterns	Valerie Grimm Policy & Quality Coordination (360) 902-5005	8/21/02	To be determined	To be determined	This rulemaking will provide clarification on how to determine a worker's employment pattern at the time of injury or on the date of disease manifestation for the purpose of calculating the worker's wage. This rule will impact crime victims' compensation.
Chapter 296-14 WAC	Industrial Insurance-Transitional / Light Duty Job	Valerie Grimm Policy & Quality Coordination (360) 902-5005	10/05	To be determined	To be determined	This rulemaking will provide clarification on: <ul style="list-style-type: none">• The required elements of a valid transitional / light duty job offered from the employer of record.• What is expected of the employer and worker?• How to determine a worker's entitlement to time-loss compensation and loss of earning power benefits when a transitional / light duty job is offered.
Chapter 296-14 WAC	Industrial Insurance-Confidentiality of Worker's Compensation Claim Files	Valerie Grimm Policy & Quality Coordination (360) 902-5005	11/06/04	8/05	12/05	This rulemaking will define the responsibility of employers, workers, and other parties who have access to worker's compensation claim files for confidentiality and release of claim information.

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Chapter 296-14 WAC	Industrial Insurance-Definitions	Valerie Grimm Policy & Quality Coordination (360) 902-5005	05/03/05	To be determined	To be determined	This rulemaking will define terms used in chapter 296-14 WAC and move definitions currently in chapter 296-20 WAC to chapter 296-14 WAC. The rulemaking will amend the definition of temporary partial disability. This rulemaking will impact crime victims' compensation.
Chapter 296-14 WAC	Industrial Insurance-Residence Modification	Valerie Grimm Policy & Quality Coordination (360) 902-5005	05/03/05	10/18/05	2/27/06	This rulemaking will implement the provisions of Chapter 411, 2005 Laws (EHB 2185), by establishing guidelines and processes for providing residence modification benefits to workers who have sustained catastrophic injury.
Chapter 296-16 WAC	Industrial Insurance-Employer – Worker Reemployment Incentives	Valerie Grimm Policy & Quality Coordination (360) 902-5005	N/A	05/17/05 CR105 Expedited Rulemaking	08/09/05	The proposed rules were developed based on comments received during the public hearings for rules previously promulgated and codified, WSR 05-01-105. These rules will: <ul style="list-style-type: none"> • Define the employer of record, • Clarify who the employer of record is in occupational disease claims, and • Clarify how the department will handle certification for preferred workers with multiple claims.
Chapter 296-19A WAC	Vocational Rehabilitation	Valerie Grimm Policy & Quality Coordination (360) 902-5005	9/20/05	To be determined	To be determined	This rulemaking may include amendments pertaining to forensic services and other issues as appropriate.
Chapter 296-17 WAC	Retrospective Rating Program Rules	Frank Romero Retrospective Rating (360) 902-4835	10/2005	04/2006	08/2006	L&I may engage in rule making to clarify existing retro rules such as re-enrollment of businesses grandfathered in a specific group, enrollment requirement of all like businesses, change in due dates, and revision of applications and agreement forms.
Chapter 296-17 WAC	2006 Worker's Compensation Premium Rates	Tammy Turner Employer Services (360) 902-4777	06/21/05	09/20/05	11/22/05	This rulemaking will adjust L&I's worker's compensation premium rates to reflect appropriate risk costs.

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Chapter 296-17 WAC	Classification Descriptions	Bill Moomau Employer Services (360) 902-4774	07/19/05	09/05	12/05	This rulemaking will make risk classification descriptions updates to reflect current industry operations
Chapter 296-17 WAC	Disaster Recovery Risk Classification	Tammy Turner (360) 902-4777 Bill Moomau (360) 902-4774 Employer Services	07/19/05	09/05	12/05	As a result of Chapter 422, Laws of 2005 (HB 6014), a risk classification will be created to identify employees working with disaster recovery in the first 48 hours of a disaster.
WAC 296-20-1103	Travel Expense	Bob Mayer Health Services Analysis (360)902-5021	10/05	TBD	TBD	This rulemaking will change the current rule where: upon <i>prior authorization</i> for treatment a worker must travel more than ten miles one-way from the worker's home to the nearest point of adequate treatment to be reimbursed for travel <u>to</u> upon <i>prior authorization</i> for treatment a worker must travel more than twenty five miles one-way from the worker's home to the nearest point of adequate treatment to be reimbursed for travel.
Chapter 296-20 WAC	Medical Aid Rules- Proper and necessary	Jami Lifka Office of the Medical Director (360) 902-4941	9/21/05	11/23/05	1/24/06	Pursuant to Chapter 276, 2003 Laws (ESHB 1299), the department will coordinate with other state agencies to amend the definition of "proper and necessary" and where possible, make it consistent with other agencies' definitions of "medical necessity."
Chapter 296-20 WAC	Medical Aid Rules- Clinical Quality Improvement Committee	Jami Lifka Office of the Medical Director (360)902-4941	9/21/05	11/23/05	1/24/06	This rulemaking will establish a clinical quality improvement committee. This committee shall advise the department on matters related to the provision of safe and effective treatment for injured workers, including but not limited to the development of practice guidelines, conduct of peer review, review of coverage decisions and technology assessments, review of medical programs, and review of rules pertaining to health care issues.

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Chapter 296-20 WAC	Medical Aid Rules- Attendant Services	Jami Lifka Office of the Medical Director (360) 902-4941	N/A	8/24/05 CR105 Expedited Rulemaking	12/15/05	This expedited rulemaking will make housekeeping changes, primarily references to WAC numbers.
WAC 296-30-090	What are the maximum allowable fees? (Reimbursement for provider services for victims of crime)	Janice Deal Crime Victims' Compensation Program (360) 902-5369	N/A	5/31/05 CR105 Expedited Rulemaking	7/19/05	The purpose of this rulemaking is to clarify that L&I will establish the reimbursement rates for the Crime Victims' Compensation Program.
WAC 296-20-1102	Medical Aid Rules	John Elshaw Health Services Analysis (360) 902-5131	7/19/05	9/6/05	11/22/05	This rulemaking will update this chapter to reflect oxygen equipment may be rented as an exception to rental fees will not be paid, "once the new purchase price of the item has been reached." This change allows for individuals who are on lifetime oxygen therapy to receive the necessary equipment, accessories, and maintenance at one monthly rental rate in accordance with the industry norms.
WAC 296-20-124	Rejected and closed claims	Joanne McDaniel Health Services Analysis (360) 902-6817	8/2/05	9/20/05	12/13/05	This rulemaking will modify the rules governing payment to health care providers when claims are rejected. The intent is to reduce recoupment of money from physicians when they treat workers for an allowed claim that later is disallowed due to additional information.

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Chapter 296-23A WAC	Hospital Payment Policy	Dee Hahn Health Services Analysis (360) 902-6828	10/05	To be determined	To be determined	L&I pays hospital inpatient and outpatient claims by grouping hospitals into "peer groups," which are defined in the Department of Health's (DOH) Washington Administrative Codes. Effective July 1, 2005 DOH will no longer use peer groups. This rulemaking will amend L&I's rules which refer to these peer groups.
WAC 296-20-135	Dental Conversion Factors	Dee Hahn Health Services Analysis (360) 902-6828	To be determined	To be determined	To be determined	This rulemaking will establish a fee schedule for dental claims.